

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Northern Division**

<b>UNITED STATES OF AMERICA</b>	:	
<b>Plaintiff</b>	:	
	:	
<b>-against-</b>	:	<b>Civil Action No.</b>
	:	
	:	
<b>ONE BRYCO ARMS, MODEL 48. .380</b>	:	
<b>CALIBER SEMI-AUTOMATIC PISTOL,</b>	:	
<b>Defendant</b>	:	
	: : : : : : :	

**VERIFIED COMPLAINT FOR FORFEITURE**

Plaintiff, United States of America, by its attorneys, Rod Rosenstein, United States Attorney for the District of Maryland, and Stefan D. Cassella, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

**NATURE OF THE ACTION**

1. This is a civil forfeiture action against a firearm (as defined in section 921 of title 18, United States Code) which is subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(11) because it was used and intended to be used to facilitate the transportation, sale, receipt, possession, and concealment of controlled substances and proceeds traceable to such property.

**THE DEFENDANTS IN REM**

2. The defendant property is of One Bryco Arms, Model 48. .380 caliber semi-automatic pistol with an obliterated serial number (hereinafter, the "Defendant Property").

3. The Defendant Property was seized on or about March 17, 2011, from Hubert Downer in the State and District of Maryland.

### **JURISDICTION AND VENUE**

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, over an action for forfeiture under 28 U.S.C. § 1355(a), and over this particular action under 21 U.S.C. §881.

5. This Court has *in rem* jurisdiction over the Defendant Property under 28 U.S.C. § 1355(b).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1395 because the property is located in this district and because the offense giving rise to the forfeiture took place in this district.

### **BASIS FOR FORFEITURE**

7. The defendant property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(11) because it is a firearm (as defined in section 921 of title 18) used or intended to be used to facilitate the transportation, sale, receipt, possession, and concealment of a controlled substance and any proceeds traceable to such property.

### **FACTS**

8. Hubert Downer was indicted for violations of 21 U.S.C. 846 and 18 U.S.C. § 1959(a)(1) in *United States v. Jean T. Brown, et al.*, Cr. No. 11-cr-0050-WDQ. As alleged in the indictment, Downer acted as an enforcer for the Brown Drug Trafficking Organization and maintained possession of the defendant firearm for the use of the organization. On December 16, 2009, the defendant firearm was used by Downer, Peter Blake, Jean Brown and others to attempt to recover \$250,000 in missing drug proceeds from Michael Knight. Pursuant to a plea agreement, Downer entered a plea of guilty to Count 4 of the Indictment charging murder in aid of racketeering, and agreed to the forfeiture of the defendant property.

9. Since the seizure, the defendant property has been and presently is in the custody of the Department of Homeland Security, Immigration and Customs Enforcement.

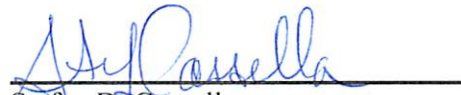
**WHEREFORE**, the plaintiff prays as follows:

1. That any person or persons having any interest therein be cited to appear herein and answer the Complaint;
2. That a Warrant of Arrest *in rem* issue to the Department of Homeland Security, Immigration and Customs Enforcement, commanding the arrest of the defendant property;
3. That Judgment of Forfeiture be decreed against the defendant property;
4. That upon Final Decree of Forfeiture, the Department of Homeland Security, Immigration and Customs Enforcement, dispose of the defendant property according to law; and
5. That the plaintiff has such other and further relief as the case may require.

Respectfully submitted,

Rod J. Rosenstein  
United States Attorney

2/26/13  
Date

  
Stefan D. Cassella  
Assistant United States Attorney  
36 S. Charles Street  
Fourth floor  
Baltimore, Maryland 21201  
Telephone (410) 209-4800

**VERIFICATION**

I, Stefan D. Cassella, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Verified Complaint for Forfeiture is based on reports and information furnished to me by the Department of Homeland Security, Immigration and Customs Enforcement, and that everything contained therein is true and correct to the best of my knowledge and belief.

2/28/13  
Date

  
\_\_\_\_\_  
Stefan D. Cassella  
Assistant United States Attorney

**MEMORANDUM**

DATE: February 26, 2013

TO: Paula M. Rigby  
U.S. Customs and Border Protection

FROM: Naquita C. Ervin  
FSA Paralegal Specialist  
U.S. Attorney's Office - District of Maryland

RE: **One Bryco Arms, Model 48. .380 Caliber Semi- Automatic Pistol**

<b><u>Civil Action No.</u></b>	
<b>CATS ID</b>	—

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The United States has filed a forfeiture action against **One Bryco Arms, Model 48. .380 Caliber Semi-Automatic Pistol**. A copy of the Complaint for Forfeiture is attached.

Notice of this seizure will be published at [www.forfeiture.gov](http://www.forfeiture.gov) pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime and Asset Forfeiture Claims.

Thank you.

Attachment

**Department of Homeland Security**  
Federal Law Enforcement Agencies  
**PROCESS RECEIPT AND RETURN**

<b>PLAINTIFF</b> UNITED STATES OF AMERICA		<b>COURT CASE NUMBER</b>	
<b>DEFENDANT</b> One Bryco Arms, Model 48. .380 Caliber Semi-Automatic Pistol		<b>TYPE OF PROCESS</b> Verified Complaint in Rem	
<b>SERVE AT</b>	Name Of Individual, Company, Corporation, Etc. to Serve or Description of Property to Seize /		
	Address (Street or RFD / Apt. # / City, State, and Zip Code)		
Send NOTICE OF SERVICE copy to Requester:  Naquita Ervin, Paralegal Specialist U.S. Attorney's Office 36 S. Charles Street, 4th floor Baltimore, Maryland 21201		Number Of Process To Be Served In This Case.	
		Number Of Parties To Be Served In This Case.	
		Check Box If Service Is On USA	
SPECIAL INSTRUCTIONS or OTHER INFORMATION TO ASSIST IN EXPEDITING SERVICE (includes Business and Alternate Addresses, Phone Numbers, and Estimated Availability times.)  Arrest property. Fill in the date of arrest in this process receipt and return our copy.			
Signature of Attorney or other Originator requesting service on behalf of <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Telephone No. (410) 209-4800	Date Feb 26, 2013
SIGNATURE OF PERSON ACCEPTING PROCESS:			Date
<b>SPACE BELOW FOR USE OF TREASURY LAW ENFORCEMENT AGENCY</b>			
I acknowledge receipt for the Total # of Process Indicated.	District of Origin No. _____	District to Serve No. _____	SIGNATURE OF AUTHORIZED TREASURY AGENCY OFFICER:
Date			
I hereby Certify and Return That I <input type="checkbox"/> PERSONALLY SERVED, <input type="checkbox"/> HAVE LEGAL EVIDENCE OF SERVICE, <input type="checkbox"/> HAVE EXECUTED AS SHOWN IN "REMARKS", the Process Described on the Individual, Company, Corporation, Etc., At The Address Shown Above or at the Address Inserted Below.			
<input type="checkbox"/> I HEREBY CERTIFY AND RETURN THAT I AM UNABLE TO LOCATE THE INDIVIDUAL, COMPANY, CORPORATION, ETC. NAMED ABOVE.			
NAME & TITLE of Individual Served If not shown above:		<input type="checkbox"/> A Person of suitable age and discretion then residing in the defendant's usual place of abode.	
ADDRESS: (Complete only if different than shown above.)		Date of Service	Time of Service <input type="checkbox"/> AM <input type="checkbox"/> PM
		Signature, Title and Treasury Agency	
<b>REMARKS:</b>			

TD F 90-22.48 (6/96)

*Make (5) copies after form is signed. SEND ORIGINAL + 4 COPIES to TREASURY AGENCY. Retain Copy #5 for your file.*